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MAY 18 2007

In re Application of	:	OFFICE OF PETITIONS
KEVIN KAWAKITA	:	
Application No. 09/837314	:	ON PETITION
Filing or 371(c) Date: 04/19/2001	:	
Title of Invention:	:	
GRAVITY-FED LIQUID	:	
CHEMICAL DISPENSER BOTTLE	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), November 20, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed December 14, 2004. The Office communication required additional claim fees in the amount of \$176.00, and set a one (1) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on January 15, 2005. A Notice of Abandonment was mailed August 2, 2005.

Fee Background

The application was filed on April 19, 2001. On April 3, 2003, the Office calculated the filing fees to be \$380 (basic) and \$108 (Total Claims in Excess of 20 fee). Applicant had submitted \$453. Of the \$453, \$355 was coded to the basic filing fee; \$90 was coded to additional claims fee (10 at \$9 each), \$8 was coded as a suspended amount.

On April 24, 2003, Applicant submitted \$10, which was entered as a miscellaneous fee, and not applied to the above noted deficiency. **The \$10 and the \$8 should have been coded as Total Claims in Excess of 20 fee.**

The application was subsequently forwarded for examination, and Applicant filed an amendment on June 25, 2004. The amendment was noncompliant. Applicant was so notified in a Notice of Non-Compliant Amendment mailed July 22, 2004. Applicant filed a second Amendment on August 23, 2004.

The December 14, 2004 Office communication

In response to the August 23, 2004 Amendment, this Office mailed a Notice of Fee Deficiency on December 14, 2004, requiring a balance of \$176 for the presentation of excess claims, and also required a Substitute Specification. As noted above, Applicant failed to reply to the Office communication and the application became abandoned.

The June 12, 2006 petition

Applicant filed a petition to revive the application on June 12, 2006, which was dismissed in a Decision mailed October 16, 2006. Applicant was required to submit \$176.00 in response to the Office communication.

The present renewed petition

Applicant files the present renewed petition and includes \$176.00.

The Office noted in a Notice of Fee Due, filed in the present application on November 20, 2006, that Applicant owed this office \$300.00 under fee code 2201 (Independent Claims in Excess of Three). Of the \$176.00 submitted by Applicant, this Office applied \$100 to fee code 2201 on November 20, 2006. The Notice further noted receipt of \$76.00, which was placed in a holding fee code.

Applicant files the present renewed petition to revive the application and asserts that he complied with the Office communication mailed December 14, 2004, when he submitted \$176.00.

Conclusion

Applicant has complied with the Office communication mailed December 14, 2004, by submitting the \$176.00 required in the Notice.

This application is being forwarded to Technology Center Art Unit 3754 for processing of the response (fees), and for continued examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

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Office of Petitions